



**REVISED: 8-4-09**

**NOTICE OF THE EXECUTIVE AND  
REGULAR SESSIONS OF  
THE FOUNTAIN HILLS TOWN COUNCIL**

**Mayor Jay T. Schlum**

**Vice Mayor Mike Archambault**

**Councilmember Dennis Brown**

**Councilmember Dennis Contino**

**Councilmember Ginny Dickey**

**Councilmember Cassie Hansen**

**Councilmember Henry Leger**

**TIME: 5:30 P.M. EXECUTIVE SESSION**  
*(Executive Session will be held in the Fountain Conference Room - 2<sup>nd</sup> floor)*

**6:30 P.M. - REGULAR SESSION**

**WHEN: THURSDAY, AUGUST 6, 2009**

**WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS**  
**16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ**

**PROCEDURE FOR ADDRESSING THE COUNCIL**

Anyone wishing to speak before the Council must fill out a speaker's card and submit it to the Town Clerk prior to Council discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Clerk's position on the dais.

Speakers will be called in the order in which the speaker cards were received either by the Clerk or the Mayor. At that time, speakers should stand and approach the podium. Speakers are asked to state their name prior to commenting and to direct their comments to the Presiding Officer and not to individual Councilmembers. Speakers' statements should not be repetitive. *If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

**If there is a Public Hearing, please submit the speaker card to speak to that issue during the Public Hearing.**

Individual speakers will be allowed **three** contiguous minutes to address the Council. Time limits may be waived by *(i) discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a Meeting, (ii) consensus of the Council at Meeting or (iii) the Mayor either prior to or during a Meeting.* Please be respectful when making your comments. If you do not comply with these rules, you will be asked to leave.

## **EXECUTIVE SESSION AGENDA**

- **CALL TO ORDER**

1. **ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION:** Pursuant to ARIZ. REV. STAT. § 38-431.03(A)(4) Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation (*Specifically, (i) the Fountain Hills Resort Development Agreement, and (ii) the Firerock tax litigation*).
2. **ADJOURN** to Regular Session.

## **REGULAR SESSION**

- **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Schlum
- **INVOCATION** – Fountain Hills' Town Manager Rick Davis
- **ROLL CALL** – Mayor Schlum
- **MAYOR'S REPORT** -
  - (i) Mayor Schlum will read a proclamation declaring August 2009 "Drowning Impact Awareness" Month.
- **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**
  - (i) Presentation by Don Rerick, Planning and Project Management Division with Maricopa County Flood Control District regarding public outreach and education.
  - (ii) Department Division Information Overview of Services provided – Lori Gary, Economic Development Administrator.

## **CALL TO THE PUBLIC**

Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Council agenda.

## **CONSENT AGENDA**

1. **CONSIDERATION** of approving the TOWN COUNCIL MEETING MINUTES from July 2, 2009.
2. **CONSIDERATION** of the FIRST AMENDMENT to the option and lease agreement between the Town of Fountain Hills and new Cingular Wireless PCS, LLC f/k/a/ AT&T Wireless PCS, LLC.

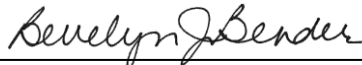
3. **CONSIDERATION** of approving a LIQUOR LICENSE APPLICATION submitted by John Vincent Giger, for J & S. Restaurants (dba Fountini's Bar & Grill), located at 13407 N. La Montana Drive, Fountain Hills, AZ. This is for a series 12 license (Restaurant).
4. **CONSIDERATION** of approving a LIQUOR LICENSE APPLICATION submitted by Lauren Kay Merrett, for JALM, LLC (dba The Crossings, an Italian Cantina), located at 16852 E. Parkview Avenue, Fountain Hills, AZ. This is for a series 12 license (Restaurant).
5. **CONSIDERATION** of an EXTENSION OF TIME for an approved Utility Disturbance Permit for "La Bella Vita at Firerock", at Parcel "B" of Firerock. Case #UDP2008-01.
6. **CONSIDERATION** of AMENDING the FY08-09 Nichols and Sons Landscape Maintenance Contract by approving change order #2009-01, in the amount of \$3,736.95.
7. **CONSIDERATION** of APPOINTING Councilmember Brown, Councilmember Dickey, and Vice Mayor Archambault to serve on the Town Council Review Subcommittee for the purpose of reviewing applications, interviewing applicants, and submitting a recommendation to the Mayor for appointment to the Planning and Zoning Commission.
8. **CONSIDERATION** of APPOINTING Councilmember Hansen, Councilmember Contino, and Councilmember Leger to serve on the Town Council Review Subcommittee for the purpose of reviewing applications, interviewing applicants, and submitting a recommendation to the Mayor for appointment to the Public Safety Advisory Commission.

#### **REGULAR AGENDA**

9. **PRESENTATION** by Audra Koester Thomas, Chair of the Strategic Planning Advisory Commission, and **DISCUSSION** of the Strategic Plan Update Working Paper #1: STRATEGIC PLAN GAP ANALYSIS.
10. **CONSIDERATION** of RESOLUTION, 2009-27, approving an Intergovernmental Agreement (IGA) with the Fort McDowell Yavapai Nation relating to 2008/09 Proposition 202 fundings in the amount of \$183,998, and authorizing the expenditures to the following entities once the funds are received: (i) the River of Time Museum in the amount of \$5,000, (ii) the Fountain Hills Chamber of Commerce Visitor's Bureau in the amount of \$70,000, and (iii) the Fountain Hills Unified School District #98 in the amount \$108,998.
11. **PUBLIC HEARING** to receive comments on a proposed SPECIAL USE PERMIT to allow Alltel Wireless Communications, to allow the installation of a 65' tall cellular monopalm tower at 17332 Rand Drive, located in a C-2 Zoning District. ( Case #SU 2009-01)
12. **CONSIDERATION** of a proposed SPECIAL USE PERMIT to allow Alltel Wireless Communications, to allow the installation of a 65' tall cellular monopalm tower at 17332 Rand Drive, located in a C-2 Zoning District. ( Case #SU 2009-01)
13. **CONSIDERATION** of approving the CANCELLATION of the Fountain Hills Town Council September 3, 2009, regular meeting, due to the fact that the Council will be attending the League of Arizona Cities and Towns Annual Conference that is scheduled to be held September 1, 2009, through September 4, 2009.
14. **QUARTERLY UPDATE** by the Director of Planning and Zoning on activities and projects.

15. **CONSIDERATION** of AUTHORIZING the Mayor to execute a letter approving the Town Manager's participation in peer review sessions in 2009 (i) in Clearfield, Utah and (ii) in Parkland, Florida.
16. **QUARTERLY UPDATE** by the Town Manager on implementing the Council Goals.
17. **DISCUSSION WITH POSSIBLE DIRECTION TO STAFF** relating to information to be gathered and topics to be covered at the September 8, 2009, Town Council Work Study Session, including discussion of officials' respective roles under the Council-Manager form of government.
18. **DISCUSSION WITH POSSIBLE DIRECTION** to the Town Manager, Town Attorney and Litigation Counsel regarding the Firerock tax litigation.
19. **COUNCIL DISCUSSION/DIRECTION** to the Town Manager.  
Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council:  
A. None.
20. **SUMMARY** of COUNCIL REQUESTS and REPORT ON RECENT ACTIVITIES by the Town Manager.
21. **ADJOURNMENT**.

**DATED** this 3<sup>rd</sup> day of August, 2009



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Bevelyn J. Bender, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's office.*